

**REMARKS**

This is in full and timely response to the Office Action mailed on October 10, 2006. Reexamination in light of the amendments and the following remarks is respectfully requested.

Claims 1-2 and 4-9 are present within the above-identified application, with claims 1 and 2 being independent.

*No new matter has been added.*

**Request for new non-final Office Action**

Claim 7 is dependent upon claim 6. Claims 4, 5, 6, 8, and 9 are multiple dependent claims, being dependent upon both claims 1 and 2.

Thus, an examination of only claim 2, without an examination of dependent claims 4-9 is improper.

Accordingly, the examination of claims 4-9 in a new non-final Office Action if the allowance of all claims is not forthcoming is respectfully requested.

**Election/Restrictions**

Paragraph 1 of the Office Action indicates that claims 1 and 4-9 are withdrawn from consideration as being drawn to a nonelected species.

In response, the Office Action of August 22, 2006 includes a restriction requirement under 35 U.S.C. §121. An election with traverse of that restriction requirement is found within the Request for Reconsideration of Restriction Requirement under 37 C.F.R. §1.143 filed on September

7, 2006. Paragraph 1 of the Office Action of October 10, 2006 includes an indication that claims 1, 4-9 have been withdrawn from consideration.

Accordingly, a Petition Under 37 C.F.R. §1.144 requesting review of the restriction requirement made the Office Action of August 22, 2006 is provided along with this Response.

Timely review and consideration of the Petition along with the rejoinder of the allegedly distinct invention is respectfully requested.

**Double patenting rejection**

Paragraph 2 of the Office Action indicates that claim 2 has been provisionally rejected on the ground of nonstatutory obviousness type double patenting as being unpatentable over claims 2 and 3 of copending Application No. 10/546,811.

This rejection is traversed at least for the following reasons.

As an initial matter, please hold in abeyance the requirement for a Terminal Disclaimer until all other issues have been addressed, and for the Examiner reevaluate the requirement for a Terminal Disclaimer at that time.

Moreover, U.S. patent practice and procedures set forth within M.P.E.P. §804(II)(B)(1) dictate that any obviousness-type double patenting rejection should make clear:

- (A) The differences between the inventions defined by the conflicting claims - a claim in the patent compared to a claim in the application; and
- (B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim at issue >is anticipated by, or< would have been an obvious variation of >,< the invention defined in a claim in the patent.

The double patenting rejection found within paragraph 2 must be based upon the claims of copending Application No. 10/546,811; the disclosure of copending Application No. 10/546,811 cannot be the basis of a double patenting rejection.

Upon review, paragraph 2 of the Office Action fails to provide a comparison of the claims in copending Application No. 10/546,811 to claims in the application.

Upon review, paragraph 2 of the Office Action fails to make clear the differences between the claims in copending Application No. 10/546,811 and claims in the application.

Upon review, paragraph 2 of the Office Action fails to make clear the reasons why a person of ordinary skill in the art would conclude that the invention defined in the claims in the application would have been an obvious variation of the claims in copending Application No. 10/546,811.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

### **Rejection under 35 U.S.C. 102(b)**

Paragraph 3 of the Office Action indicates that claim 2 is rejected under 35 U.S.C. 102(b) as allegedly being clearly anticipated by JP 4-27644.

At least for the following reasons, if the allowance of the claims is not forthcoming at the very least and a new ground of rejection made, then a new non-final Office Action is respectfully requested.

This rejection is traversed at least for the following reasons.

Paragraph 3 of the Office Action refers to JP 4-27644. A copy of Japanese Application Publication No. 04-027644 is provided along with this Response.

While Japanese Application Publication No. 04-027644 arguably teaches a water drop removing mirror, no reasonable relationship can be found between Japanese Application Publication No. 04-027644 and the claimed sensor device.

A copy of Japanese Application Publication No. 05-221135 is also provided along with this response. Japanese Application No. 04-027644 is embodied within Japanese Application Publication No. 05-221135.

While Japanese Application Publication 05-221135 arguably teaches thermal recording material, no reasonable relationship can be found between Japanese Application Publication 05-221135 and the claimed sensor device.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

### **General matters**

The document JP 5-27644-U arguably discloses a device for monitoring air pressures in/of a tire. Nevertheless, document JP 5-27644-U fails to disclose, teach or suggest the feature that the movable member forms an antenna for transmission. While Figure 1 of this document may represent in enlargement the tire rotary switch 2, the permanent magnet indicated at 13 in Figure 1 corresponds to the movable member in/of the applicant's claimed feature. Then, in Figure 5A also of the document, an antenna 35 quite possibly is shown in addition to the tire rotary switch 2. Thus, it is clearly seen that in JP 5-27644-U, the movable member 13 does not constitute an antenna for transmission. According to the applicant's claimed invention, attributable to the feature that the movable member constitutes an antenna for transmission, the claimed invention can bring about the effects/results as described along page 3, line 16 and page 4 line 2 of the specification on file, Such effects/results can never be attained according to the invention disclosed in the document JP 5-27644-U.

**Conclusion**

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: January 5, 2007

Respectfully submitted,

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Attachments: Japanese Application Publication No. 04-027644

Japanese Application Publication No. 05-221135